

REMARKS/ARGUMENTS

Claims 1, 4-6, 8-11 and 14 are pending. Claims 2, 3, 7, 12 and 13 are canceled without prejudice. Claims 1, 4-6, 8-11, and 14 are amended. The basis for the amendment to claim 1 can be found, for example, at page 4, lines 5-8, page 5, lines 13-20, page 7, lines 6-10, and page 8, lines 13-30. The basis for the amendment to claim 5 can be found, for example, at page 16, lines 5-6. The remaining amendments are stylistic in nature. The claims stand rejected as allegedly unpatentable under one or more of 35 U.S.C. § 101, 102, 112, and nonstatutory double patenting. Each of these rejections is discussed below.

Rejections Under 35 U.S.C. § 112

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In particular, claim 1 is rejected based on an allegation that L^2 and L^3 are not defined in the specification. These groups are defined, however, at page 59, lines 19-20 of the filed application as being “a covalent bond or a linker atom or group.” L^2 and L^3 are defined as a covalent bond in amended claim 1. Applicants respectfully request reconsideration and withdrawal of the rejection.

The rejection of claim 5 is believed moot in view of the amendment submitted herewith.

Claims 9 and 10 were rejected based on an allegation that it is unclear what values are meant for “r”. Applicants traverse the rejection as “r” is defined as being 0 or 1 in claim 1 and all “ $(Alk^1)_r(L^1)_s$ ” moieties defined in claims 9 and 10 represent those where r is 0 or 1. In claim 9, r is one for the group- CH_2O^- . For the remaining groups, r is zero. Applicants submit that the rejection should be withdrawn.

The rejection of claims 11 and 13 for the use of the phrase “generally and particularly defined above” is believed to be moot in view of the amendment of claim 11 and the cancellation of claim 13.

The Office Action (page 3) states that “[c]laims 2-12 and 14 are rejected as being dependent on claims 1, and carry over its limitations, particularly L^2 and L^3 . As best understood, this rejection relates to the allegation concerning the definition of L^2 and L^3 . As discussed above in the context of claim 1, we believe that the rejection should be withdrawn.

Rejections Under Nonstatutory Double Patenting

Claims 1-9, 11, 12, and 14 stand rejected under the doctrine of obviousness-type double patenting as allegedly being obvious in view of claims 1-6, 8 and 15 of U.S. Patent 6,329,372. Applicants believe that the amendment to claim 1 and the cancellation of claims 2, 3, 7, 12 and 13 removes any alleged overlap. As such, reconsideration and withdrawal of the rejection is requested.

Rejections Under 35 U.S.C. § 101

The rejection of claim 13 is rendered moot by the cancellation of this claim.

Rejections Under 35 U.S.C. § 102

Claims 1-8, 11, 12, and 14 are rejected as allegedly anticipated by U.S. Patent No. 6,521,666. Claims 1-12 and 14 stand rejected as allegedly anticipated by U.S. Patent No. 6,229,011. Claims 1, 2, 4-6, and 14 are allegedly anticipated by U.S. Patent No. 5,744,491. Claims 1-3, 5, 6, and 9 are allegedly anticipated by U.S. Patent No. 5,965,730.¹ Claims 1-6 are allegedly anticipated by U.S. Patent No. 6,262,269 and PCT Patent Application WO 91/01724. Claims 1-3, 5, 9, and 14 are allegedly anticipated by U.S. Patent No. 5,973,188. Claims 1, 3, 5, and 6 are allegedly anticipated by Keichi et al. (Chem Abstract, Vol. 126, Abs. No. 317650, 1997) and U.S. Patent Nos. 5,561,101 and 5,506,192. Claims 1, 2, 5, 6, and 14 are rejected as allegedly anticipated by Sartori et al. (Eur. J. Med. Chem. 1994, 29, 431-39) and Japanese Patent App. No. 10-017564. Claims 1-4 and 6 stand rejected as allegedly anticipated by Japanese Patent App. No. 04-145078.

In each of the 35 U.S.C. § 102 rejections, the compounds of the references differ from those of amended claim 1. The compounds of the cited art, for example, are such that Het is not a nine- to thirteen-membered fused-ring heteroaromatic group as recited in instant claim 1. As such, Applicants believe that the amendment to claim 1 obviates all of the anticipation rejections. Applicants respectfully request consideration and withdrawal of the rejections.

¹ The Office Action lists this reference as U.S. Patent No. 5,962,730. Applicants believe that this number is a typographical error.

DOCKET NO.: CELL-0145
Application No.: 09/964,161
Office Action Dated: 04/23/2003

PATENT

Conclusion

Applicants believe that the foregoing is a full and complete response to the Office Action of record. Applicants believe that all rejections of record are overcome and an early allowance is earnestly solicited.

Respectfully submitted,

Date: August 25, 2003

John A. Harrelson, Jr.

John A. Harrelson, Jr.
Registration No. 42,637

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439